

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOCHEN E. PENDLETON,

CASE NO. 2:22-cv-01399-TL

Plaintiff,

ORDER AFFIRMING DENIAL OF  
RECUSAL (DKT. NO. 90)

REVATURE LLC et al.,

Defendant.

This matter comes before the Court on United States District Judge Tana Lin’s denial (Dkt. No. 90) of Plaintiff’s motion for her recusal (Dkt. No. 85). Local Civil Rule 3(f) provides that whenever a judge in this District declines to voluntarily recuse his or herself from a case following a party’s motion to recuse pursuant to 28 U.S.C. § 144 or 28 U.S.C. § 455, “he or she will direct the clerk to refer the motion to the chief judge.” Accordingly, this Court now reviews Judge Lin’s decision not to recuse.

Motions for recusal are governed by 28 U.S.C. § 144 and 28 U.S.C. § 455. Recusal is required if a judge's impartiality might reasonably be questioned or if the judge harbors personal

1 bias or prejudice against a party. 28 U.S.C. § 455(a), (b)(1). Such bias or prejudice must derive  
 2 from an extrajudicial source. *Agha-Khan v. Mortgage Elec. Registration Sys., Inc.*, 2022 WL  
 3 501564, at \*1 (9th Cir. Feb. 18, 2022); *Mayes v. Leipziger*, 729 F.2d 605, 607 (9th Cir.  
 4 1984). Under both 28 U.S.C. § 144 and 28 U.S.C. § 455, recusal of a federal judge is  
 5 appropriate if “a reasonable person with knowledge of all the facts would conclude that the  
 6 judge’s impartiality might reasonably be questioned.” *Yagman v. Republic Ins.*, 987 F.2d 622,  
 7 626 (9th Cir. 1993). This is an objective inquiry concerned with whether there is the appearance  
 8 of bias, not whether there is bias in fact. *Preston v. United States*, 923 F.2d 731, 734 (9th Cir.  
 9 1992).

10 Plaintiff’s case has been pending for three years and has a complex procedural history. A  
 11 more complete recitation of the procedural history is contained in Judge Lin’s order denying  
 12 recusal. (See Dkt. No. 90.) In sum, Plaintiff brought this employment discrimination case  
 13 against his employer Revature LLC and nine individuals who are/were employed by Revature.  
 14 (Dkt. No. 66.) Plaintiff brings a myriad of claims pursuant to the Americans With disabilities  
 15 Act, Title VII of the Civil Rights Act of 1964, the Rehabilitation Act, the Civil Rights Act of  
 16 1871, the Washington Law Against Discrimination, and various Washington tort law and  
 17 contract law claims. (*Id.*) Judge Lin dismissed Plaintiff’s claim for defamation and false light,  
 18 and conspiracy to obstruct justice and interfere with civil rights. (Dkt. No. 80.) Thereinafter,  
 19 Plaintiff filed the present Motion to Recuse. (Dkt. No. 85.)

20 Plaintiff’s Motion to Recuse (Dkt. No. 85) does not identify bias or prejudice derived  
 21 from an extrajudicial source. See *Agha-Khan*, 2022 WL 501564, at \*1. Rather, Plaintiff takes  
 22 issue with Judge Lin’s Order on Plaintiff’s Anonymity (Dkt. No. 50), Order Denying Plaintiff’s  
 23 Second Motion to Amend (Dkt. No. 61, *amended* Dkt. No. 63), Order granting Defendants’  
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1 Motion for extension of time (Dkt. No. 70), and Order granting Defendants' Motion to Dismiss  
 2 (Dkt. No. 80). (Dkt. No. 85.) Judge Lin's prior adverse rulings cannot serve as a basis for  
 3 Plaintiff's motion to recuse. *See United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986)  
 4 ("[A] judge's prior adverse ruling is not sufficient cause for recusal."); *accord Liteky v. United*  
 5 *States*, 510 U.S. 540, 555 (1994) ("[J]udicial rulings alone almost never constitute a valid basis  
 6 for a bias or partiality motion.").

7 Plaintiff also alleges Judge Lin has demonstrated "deep-seated favoritism or antagonism"  
 8 in her rulings on Plaintiff's motion to amend the complaint. (Dkt. No. 85 at 6.) Plaintiff  
 9 characterizes Judge Lin's order as expressing "annoyance" and as improperly chastising Plaintiff  
 10 for his efforts to amend his complaint. (*Id.*) However, a judge's remarks in an order "that are  
 11 critical or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do  
 12 not support a bias or partiality challenge." *Liteky*, 510 U.S. at 555.

13 Plaintiff further alleges Judge Lin has demonstrated "deep-seated favoritism" and  
 14 "personal bias" because Judge Lin has "refused" to rule on Plaintiff's Motion to Compel Verified  
 15 Responses to Discovery. (Dkt. No. 85 at 8.) Plaintiff's motion is noted for May 15, 2025. (Dkt.  
 16 No. 79.) Judge Lin identified that in accordance with Local Rule 7(b)(5), the court attempts to  
 17 rule within in thirty days following the noting date. (Dkt. No. 90 at 9.) But that the court has  
 18 been unable to rule on Plaintiff's motion due to the court's caseload. (*Id.*) Judge Lin further  
 19 identified the court is not refusing to rule on Plaintiff's motion, but it simply has been unable to  
 20 reach it. (*Id.*) Judge Lin's delay in ruling on Plaintiff's motion is not grounds for recusal. *See*  
 21 *e.g., Collins v. Tenorio*, Case No. CV-08-430-PHX-ROS, 2008 WL 5225805 at \*2 (D. Ariz.  
 22 Dec. 15, 2008) (Noting that it may be possible to construct hypotheticals in which extreme delay

1 in ruling on a motion “might be partial evidence of bias that would mandate recusal or  
2 disqualification”, but that a relatively brief delay would not give rise to an inference of bias.).

3 Finally, Plaintiff argues Judge Lin violated the Code of Judicial Conduct by ignoring that  
4 “Defendants have now repeatedly acted in bad faith in this Court[.]” (Dkt. No. 85 at 9.) As  
5 noted by Judge Lin, determining ““whether the Court has been misled about something is for the  
6 Court to conclude, not a party.”” (*Id.*) (quoting Dkt. No. 70 at 3.) Plaintiff’s belief that an  
7 opposing party has engaged in bad faith conduct is not grounds for recusal.

8 Accordingly, the Court AFFIRMS Judge Lin’s denial of Plaintiff’s motion for recusal.  
9 (Dkt. No. 90.)

10 Dated this 11th day of August, 2025.

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13 David G. Estudillo  
14 United States District Judge  
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